

SUMMARY STATEMENT

Khurana v. IDHW

Case No. 46652

In an appeal arising out of Nez Perce County, the Idaho Supreme Court affirmed an administrative order entered by the honorable Jay P. Gaskill, Administrative District Judge (“ADJ”) for the Second Judicial District declaring Praveen Khurana a vexatious litigant.

Khurana appealed from a prefiling order entered by the ADJ declaring him a vexatious litigant pursuant to Idaho Court Administrative Rule 59 and prohibiting him from filing any new pro se litigation in Idaho without first obtaining the leave of the court in which the litigation would be filed. The ADJ entered the prefiling order after determining that Khurana met the criteria to be declared a vexatious litigant pursuant to Idaho Court Administrative Rule 59(d)(2), (3), and (4).

Among other things, Khurana argued on appeal that the ADJ’s decision was based upon erroneous factual findings with respect to a number of his filings before the district court. The Idaho Supreme Court upheld the ADJ’s factual findings, reasoning that the burden was on Khurana to supply it with an adequate record on appeal. Because Khurana failed to ensure that the relevant motions and other filings were included in the record, the Court presumed that they supported the ADJ’s decision. Finally, the Court concluded that the ADJ did not abuse its discretion in declaring Khurana a vexatious litigant pursuant to Rule 59(d)(2). As such, the Court did not review the ADJ’s analysis of Rule 59(d)(3) and (4). Accordingly, the Court affirmed the ADJ’s prefiling order declaring Khurana a vexatious litigant.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.